

S.F.
P. REEDY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
CHRISTIAN HYER,

Plaintiff,

-against-

THE CITY OF NEW YORK, DETECTIVE BRIAN
MCCABE Shield #5681 & DETECTIVE ROBERT
MYERS Shield # 2934,

Defendants
-----X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/27/06

STIPULATION AND
ORDER OF
SETTLEMENT AND
DISCONTINUANCE

CV 05-7728 (DLC)(JCF)

WHEREAS, plaintiff Christian Hyer commenced this action by filing a complaint on or about September 1, 2005, alleging that defendants violated his constitutional rights; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

WHEREAS, plaintiff Christian Hyer has authorized his counsel to settle this matter against defendants on the terms enumerated below;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. This above-referenced action is hereby dismissed with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiff Christian Hyer the total sum of THREE THOUSAND DOLLARS (\$3,000.00) in full satisfaction of all claims,

including claims for costs, expenses and attorney's fees. In consideration for the payment of these sums, plaintiff agrees to dismissal of all the claims against defendants and to release the individually named defendants identified in the caption of the complaint and any present or former employees or agents of the City of New York, and the City of New York, from any and all liability, claims, or rights of action which were or could have been alleged in the complaint in this action, including claims for costs, expenses and attorney's fees.

3. Plaintiff shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph "2" above and an Affidavit of No Liens.

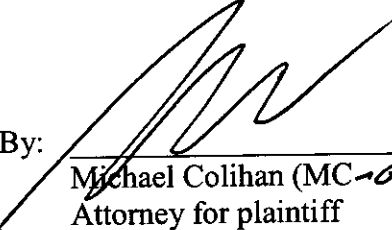
4. Nothing contained herein shall be deemed to be an admission by the City of New York that it has in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation and settlement shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
12/9, 2006

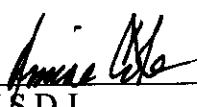
Mr. Michael Colihan, Esq.
Attorney for Plaintiff
44 Court Street, Room 911
Brooklyn, New York 11201

By: 
Michael Colihan (MC-0826)
Attorney for plaintiff

MICHAEL A. CARDOZO
Corporation Counsel of the City of New
York
Attorney for Defendants The City of New
York, Robert Myers and Brian Mecabe
100 Church Street
New York, New York 10007
(212) 788-0963

By: 
Prathyusha Reddy (PR 5579)
Assistant Corporation Counsel

SO ORDERED:



U.S.D.J.
December 27, 2006